

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRANDON KIRKENDALL and RESHON  
FARMER,

Plaintiffs,

v.

RICK WATSON, JACK DINGES, OFFICER  
NICHOLS, LEVI BRIDGES, and  
CAMERON REID,

Defendants.

Case No. 14-cv-772-JPG-SCW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 44) of Magistrate Judge Stephen C. William recommending that the Court dismiss with prejudice the claims of plaintiff Brandon Kirkendall pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution and grant the defendants’ motion for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e) and reserve ruling on the motion to dismiss pending that more definite statement (Doc. 40).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 44);
- **DISMISSES with prejudice** the claims of plaintiff Brandon Kirkendall pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution;
- **GRANTS** the defendants' motion for a more definite statement pursuant to Rule 12(e); (Doc. 40);
- **ORDERS** that plaintiff Reshon Farmer shall have up to and including July 6, 2015, to respond to the defendants' motion to dismiss (Doc. 40) identifying the time period that he was held at Saint Clair County and the period that he experienced the conditions alleged in his complaint;
- **WARNS** Farmer that if he fails to adequately respond to the defendants' motion to dismiss in a timely manner, the Court will construe that failure as an admission of the merits of the motion's position that Farmer's claims are barred by the statute of limitations and will dismiss those claims with prejudice;
- **RESERVES RULING** on the defendants' motion to dismiss (Doc. 40); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

**IT IS SO ORDERED.**

**DATED: June 17, 2015**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**